



U.S. Department of Justice

United States Attorney
Eastern District of New York

JJD/SDD/MPC

610 Federal Plaza
Central Islip, New York 11722

January 8, 2014

By Hand and ECF

The Honorable Arthur D. Spatt
United States District Judge
United States District Court
Eastern District of New York
1020 Federal Plaza
Central Islip, New York 11722

Re: United States v. Justin Kaliebe
Criminal Docket No. 13-072 (ADS)

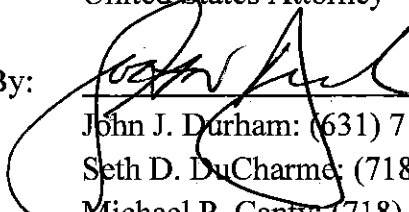
Dear Judge Spatt:

The government and the defendant Justin Kaliebe, through his counsel, Anthony La Pinta, Esq., have executed a Stipulation and Order, pursuant to Federal Rule of Criminal Procedure 16(d), which governs the use of certain discovery materials to be provided by the government to the defendant in advance of sentencing. A copy of the Stipulation and Order is attached hereto and the parties respectfully request that the Court review the Stipulation and Order, and, if acceptable to the Court, so order it.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By:


John J. Durham: (631) 715-7851
Seth D. DuCharme: (718) 254-6021
Michael P. Cauty: (718) 254-6490
Assistant U.S. Attorneys

Attachment

cc: Anthony La Pinta, Esq. (By ECF and e-mail)
Clerk of the Court (ADS) (By ECF)

JJD/SDD/MPC
F.#2013R00227

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

STIPULATION AND ORDER

- against -

13-CR-072 (ADS)

JUSTIN KALIEBE,
also known as "Umar Abdur-
Rahman," "Justin Russi," and
"Omar,"

Defendant.

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IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys and ORDERED by the Court, pursuant to Federal Rule of Criminal Procedure 16(d), that:

1. Any and all discovery material produced to the defendant JUSTIN KALIEBE, also known as "Umar Abdur-Rahman," "Justin Russi," and "Omar," (the "defendant") by the government in the above-captioned case, and any and all copies, notes, transcripts, documents or other information derived or prepared from the discovery material, may be used by the defendant and defense counsel for any purpose consistent with this order in furtherance of the representation of the defendant in connection with the above-captioned indictment;

2. Any and all discovery material produced to the defendant by the government and any copies, notes, transcripts,

documents or other information derived or prepared from the discovery material shall not be further disseminated by the defendant or defense counsel to any individuals, organizations or other entities, other than members of the legal staff of defense counsel who have signed this Stipulation and Order, without further order of the Court. Nothing in this Stipulation and Order shall prohibit defense counsel from discussing the contents of the unclassified discovery materials with the defendant's mother (Deborah Livoti), father (Robert Kaliebe) and grandfather (Cesar Milazo) (collectively, the "designated family members") or allowing the designated family members to review such materials at defense counsel's office. However, defense counsel shall not disseminate any discovery materials or any copies, notes, transcripts, documents or other information derived or prepared from the discovery materials to the designated family members, or allow the designated family members to retain or remove any discovery materials or any copies, notes, transcripts, documents or other information derived or prepared from the discovery materials from defense counsel's office. Moreover, the designated family members shall sign this Stipulation and Order and must comply with its terms. Any violation of this Stipulation and Order by the designated family members shall trigger the provisions of paragraph 11 below;

3. Each of the individuals to whom disclosure is authorized in paragraph 2, that is, members of the legal staff of defense counsel and the designated family members, who have signed this Stipulation and Order, shall be provided a copy of this Stipulation and Order and will be advised that he or she shall not further disseminate any portion of the discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material except in conformity with this Stipulation and Order;

4. Where the defendant and/or defense counsel wishes to disclose any portion of the discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material to any individual to whom disclosure is not authorized by paragraph 2, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

5. None of the discovery materials nor any copies, notes, transcripts, documents or other information derived or prepared from the discovery material shall be disseminated to, or discussed with, the media in any form. Nothing in this Stipulation and Order prohibits the media from obtaining copies of any items that

become public exhibits at any conference, hearing, trial or other proceeding; where the defendant and/or defense counsel wishes to attach any portion of the discovery material to public filings made with the Court, defense counsel must provide advance notice to the government and make application to the Court for authorization to make such disclosure, and such notice must be given sufficiently in advance of the contemplated application so as to permit briefing and argument on the propriety of such disclosure;

6. Nothing in this Stipulation and Order in any way releases counsel for the government or defense counsel from the obligations of the "Free Press Fair Trial Directives" of Local Rule 23.1 of the Local Criminal Rules of the Eastern District of New York;

7. Nothing in this Stipulation and Order shall preclude the government from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material;

8. If the defendant obtains substitute counsel, the undersigned defense counsel will not transfer any portion of the discovery material or any copies, notes, transcripts, documents or other information derived or prepared from the discovery material unless and until substitute counsel enters into this Stipulation and Order;

9. The defendant and defense counsel will return to the government the discovery material and all copies thereof, whether in the possession of the defendant, defense counsel or members of the legal staff of defense counsel who has signed this Stipulation and Order, when defense counsel ceases to represent the defendant;

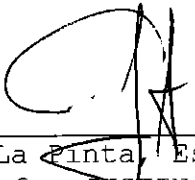
10. Any violation of this Stipulation and Order (a) will require the immediate return to the United States of the discovery material and all copies thereof, and (b) may result in contempt of Court.

Dated: Central Islip, New York
December __, 2013

LORETTA E. LYNCH
United States Attorney
Eastern District of New York

By: 

John J. Durham
Seth D. DuCharme
Michael P. Canty
Assistant U.S. Attorneys


Anthony La Pinta, Esq.
Attorney for JUSTIN KALIEBE

SO ORDERED.

HONORABLE ARTHUR D. SPATT
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK